

## Before the Federal Communications Commission Washington, DC 20554

In the Matter of )

Amendment of Section 73.202(b) ) RMTable of Allotments, )

FM Broadcast Stations. )

(Hattiesburg and Sumrall, )
Mississippi)

NOV 2 - 2004
FCC - MAILROOM

To: Media Bureau (Policy & Rules)

## Supplement to Petition for Rule Making

Unity Broadcasting, permittee of FM station WGDQ, Hattiesburg, Mississippi ("WGDQ"), by its attorney, respectfully submits this supplement to its petition for rule making, filed September 14, 2004. In its petition, WGDQ asked the Commission to substitute Channel 226C3 at Sumrall, Mississippi, for Channel 226A at Hattiesburg, Mississippi. This substitution requires consideration of WQST-FM, Forest, Mississippi, as Class CO station. Accordingly, WGDQ requested the Commission to modify WQST-FM's license to specify Class CO status and to issue an order to show cause.

WGDQ has recently learned that the Commission had issued such an order to show cause to WQST-FM in connection with another proceeding, DA 02-2310, released September 27, 2002. Therein, WQST-FM was given until November 27, 2002, in which to respond or the Commission would consider the station as agreeing to the change to Class CO. WQST-FM did not respond and thus it agreed to be treated as a Class CO facility.

In view of the above, including WQST-FM's acquiescence to being considered as a Class CO facility, there is no need for the

Commission to issue an order to show cause to WQST-FM in connection with WGDQ's petition.

Respectfully Submitted,

UNITY BROADCASTING

Jerrold Miller Its Attorney

November 1, 2004

Miller and Neely, P.C. 6900 Wisconsin Ave. Suite 704 Bethesda, MD 20815

<sup>&</sup>lt;sup>1</sup> WGDQ is aware of application File No. BPED-20041013AAQ in which WQST-FM seeks to increase its height to the minimum required for Class C status. WGDQ is simultaneously filing an objection to that application, but the application, filed after the filing of WGDQ's petition for rulemaking, must be considered as a counterproposal, even if it is found acceptable.

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 1<sup>st</sup> day of November, 2004, a copy of the foregoing document was placed in the United States mail, first class postage prepaid, addressed to the following:

Clear Channel Broadcasting Licenses, Inc. 2625 S. Memorial Dr. Suite A Tulsa, OK 74129

(Licensee of WUSW)

And

American Family Association, Inc. P.O. Drawer 2440
Tupelo, MS 38803

(Licensee of WQST-FM

8

Madyne cheary